

1 Kevin G. Little, SBN 149818
2 Michelle L. Tostenrude, SBN 290121
2 **LAW OFFICE OF KEVIN G. LITTLE**
3 Post Office Box 8656
3 Fresno, California 93747
4 Telephone: (559) 342-5800
4 Facsimile: (559) 242-2400
5 E-Mail: kevin@kevinglittle.com

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6 Attorneys for Plaintiff Martha Zepeda Olivares,
7 individually and on behalf of the Estate of Maximiliano
8 Sosa, Jr., and Maximiliano Sosa, Sr.

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9 **UNITED STATES DISTRICT COURT**
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11 **EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION**

11 MARTHA ZEPEDA OLIVARES,
12 INDIVIDUALLY AND ON BEHALF OF
13 THE ESTATE OF MAXIMILIANO SOSA,
14 JR.; MAXIMILIANO SOSA, SR.

15 Plaintiff(s),

16 v.

17 CITY OF FRESNO; UNKNOWN LAW
18 ENFORCEMENT OFFICERS, AND DOES 1-
19 30

20 Defendant(s).

Case No.: 1:23-cv-01575-JLT-SAB

Assigned to: *The Hon. Jennifer L. Thurston*

21 **PLAINTIFF'S REONSE TO ORDER AND
22 NOTICE OF STATUS OF SERVICE**

23 TO THE HONORABLE COURT:

24 Plaintiffs MARTHA ZEPEDA OLIVARES, individually and on behalf of the Estate of
25 Maximiliano Sosa, Jr., and MAXIMILIANO SOSA, SR. (hereinafter “Plaintiffs”), through their
26 undersigned attorney, hereby submit this response to the Court’s Order dated February 8, 2024,
27 (Dkt. 22) and accompanying report addressing the status of this action and the service on
28 defendant City of Fresno.

29 Plaintiffs filed this action on November 7, 2023, only three days after the subject fatal
30 shooting incident, only due to emergent necessity. Specifically, it was necessary to file this
action at the time in order to secure an *ex parte* order permitting plaintiffs to perform a private

1 autopsy on the corpse of decedent Maximiliano Sosa, Jr. Indeed, this action was filed as early as
2 it was just for the purpose of facilitating the obtaining of the private autopsy order.

3 At the time this action was filed, plaintiffs' counsel's factual and legal investigation was
4 in its early stages. This action was also filed prior to the City of Fresno's receipt and rejection of
5 plaintiffs' claim for damages, which is a prerequisite for the inclusion of any state law claims
6 under California Government Code § 900, *et seq.* This action was also filed before related state
7 court proceedings could be filed and essential provisional orders could be obtained. Indeed,
8 upon filing of the original complaint, plaintiffs' counsel informed the Fresno City Attorney's
9 Office that the City of Fresno was intentionally not being served yet, for all these reasons, and
10 that an amended complaint would be filed as a matter of right pursuant to Federal Rule of Civil
11 Procedure 15(a) prior to service.

12 The original complaint must now be amended. Plaintiffs have diligently moved forward
13 with their investigation and will be able to make more specific and detailed factual allegations.
14 Additionally, plaintiffs anticipate obtaining necessary provisional orders from the Fresno
15 Superior Court in May 2024. Furthermore, plaintiffs' claim for damages has now been
16 submitted and rejected, which will enable additional state law claims to be included.

17 An amended complaint including more specific factual allegations, updated federal
18 claims, and additional state law claims will be filed on or before March 31, 2024, which is still
19 only seven months since the decedent's death. Plaintiffs' counsel assures the Court that his
20 office is working diligently to submit this amended pleading.

21 Accordingly, plaintiffs request until May 31, 2024 to file their amended complaint, which
22 will be thereafter promptly served on all named defendants within 30 days, i.e., by June 30,
23 2024.

24 Dated: February 13, 2024

LAW OFFICE OF KEVIN G. LITTLE

25 /s/ Kevin G. Little

26 Kevin G. Little
27 Attorneys for Plaintiff Martha Zepeda
28 Olivares, individually and on behalf of the
Estate of Maximiliano Sosa, Jr., and
Maximiliano Sosa, Sr.

KGL